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April 15, 2015

Via ECF and E-Mail

Honorable Shira A. Scheindlin  
United States District Court for the  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

Re: *BlackRock Balanced Capital Portfolio (FI), et al. v. HSBC Bank USA, National Association*, No. 1:14-CV-9366-SAS (S.D.N.Y.) and *National Credit Union Administration Board, et al. v. HSBC Bank USA, National Association*, No. 1:15-CV-2144-SAS (S.D.N.Y.)

Dear Judge Scheindlin:

I write as counsel to defendant HSBC Bank USA, N.A. in the above-captioned cases. As permitted by the Court at the conference on April 9, 2015, we hereby move under Rule 12(b)(6) to dismiss, and under Rule 12(f) to strike the damages prayer in:

- 1) all claims in the *BlackRock* case arising from the 244 trusts that were the subject of HSBC's motion under Rule 12(b)(1); and
- 2) the *NCUA* complaint

on all grounds previously advanced in HSBC's pending motions to dismiss under Rule 12(b)(6) and to strike under Rule 12(f) in the *Royal Park*, *Phoenix Light* and *BlackRock* (filed as to the 27 indenture trusts) cases, to the extent those grounds are applicable.

As also permitted by the Court, we intend to file a separate Rule 12(b)(6) motion on April 27, 2015 addressing issues unique to the *NCUA* case.

Respectfully submitted,

/s/ George A. Borden  
George A. Borden

**CERTIFICATE OF SERVICE**

I hereby certify that on April 15, 2015, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record in this matter who are on the CM/ECF system.

/s/ George A. Borden

George A. Borden